

## **REMARKS**

Claims 1-11 and 14-20 remain in the application for consideration of the Examiner with Claims 12 and 13 standing cancelled.

Reconsideration and withdrawal of the outstanding rejections and objections are respectfully requested in light of the above amendments and following remarks.

Claims 12-13 were objected to because of informalities.

By the instant amendment, these claims have been cancelled.

It is respectfully submitted that Claims 1-11 and 14-20 are free from informalities.

Turning now to the art rejections, Claims 1-7 and 11-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mansfield.

These rejections are respectfully traversed.

It is respectfully submitted that Mansfield does not disclose or suggest the presently claimed invention including the step of assigning the good channels to a good window and the bad channels to a bad window by using an adoptive frequency hopping scheme in independent Claim 1, albeit defined as assigning a plurality of good channels to a good window and a plurality of bad channels to a bad window by an adoptive frequency hopping scheme in independent Claim 19.

Mansfield's scheme is not frequency adoptive.

Claims 1, 8, 10, 19, and 20 were provisionally rejected under the judicially created doctrine of double patenting of Claims 4 and 20 over co-pending application 10/003,865.

These rejections are traversed since none of the patent claims have been patented and consequently the scope of each claim is unclear.

Claim 1 was provisionally rejected under the judicially created doctrine of double patenting over Claim 3 of US Patent application 10/263,520.

For the reasons stated above, Applicants respectfully submit that this rejection is premature.

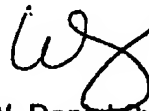
Applicants note that no art rejections have been applied to Claims 7-10 and consequently it is respectfully submitted that these claims are now allowable.

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicant petitions for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees, to the deposit account of Texas Instruments Incorporated, Account No. 20-0668.

Respectfully submitted,



W. Daniel Swayze, Jr.  
Attorney for Applicant  
Reg. No. 34,478

Texas Instruments Incorporated  
P.O. Box 655474, MS 3999  
Dallas, TX 75265  
(972) 917-5633